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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/792,099	03/03/2004	Alistair Kenneth Clement Scott	10031368-1	4110

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AGILENT TECHNOLOGIES, INC.  
Legal Department, DL 429  
Intellectual Property Administration  
P.O. Box 7599  
Loveland, CO 80537-0599

EXAMINER
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NGUYEN, HANH N

ART UNIT	PAPER NUMBER
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2616

MAIL DATE	DELIVERY MODE
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06/30/2008

PAPER

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

<b>Office Action Summary</b>	<b>Application No.</b> 10/792,099	<b>Applicant(s)</b> SCOTT ET AL.	
	<b>Examiner</b> Hanh Nguyen	<b>Art Unit</b> 2616	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

### Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on Amendment filed 3/7/08.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-7,9-15,17-23 and 25 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-7,9-15,17-23 and 25 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)          | 4) <input type="checkbox"/> Interview Summary (PTO-413)           |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____                                      |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)          | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____  | 6) <input type="checkbox"/> Other: _____                          |

### **DETAILED ACTION**

The Terminal Disclaimer filed on 3/7/08 has been approved.

#### ***Claim Rejections - 35 USC § 101***

Claim 17 is rejected under 35 U.S.C. 101 because the claimed invention is directed to non-statutory subject matter.

In claim 17, there is not an execution made for a program stored in a computer readable medium. Therefore, the subject matter in claim 17 is not statutory.

#### ***Claim Rejections - 35 USC § 112***

Claims 1 and 25 are rejected under 35 U.S.C. 112, first paragraph, as failing to comply with the enablement requirement. The claim(s) contains subject matter which was not described in the specification in such a way as to enable one skilled in the art to which it pertains, or with which it is most nearly connected, to make and/or use the invention.

“a correlation and display element” on line 11 is described as “correlation and display software” in the specification, pages 10, 11, paragraphs [0032]. It is known to one skilled in the art that “an element” is a piece of device while “software” is a program instructions. Therefore, “a correlation and display element” shown in claims 1 and 25 are not described in the specification.

#### ***Specification***

The disclosure is objected to because it contains an embedded hyperlink and/or other form of browser-executable code. Applicant is required to delete the embedded hyperlink and/or other form of browser-executable code. See MPEP § 608.01.

The specification on page 8, paragraph[0027] describes a web site " user identifier@domain.xxx". Applicant is required to delete the web site because it is a browser executable code and /or embedded hyper link.

### ***Double Patenting***

The nonstatutory double patenting rejection is based on a judicially created doctrine grounded in public policy (a policy reflected in the statute) so as to prevent the unjustified or improper timewise extension of the "right to exclude" granted by a patent and to prevent possible harassment by multiple assignees. A nonstatutory obviousness-type double patenting rejection is appropriate where the conflicting claims are not identical, but at least one examined application claim is not patentably distinct from the reference claim(s) because the examined application claim is either anticipated by, or would have been obvious over, the reference claim(s). See, e.g., *In re Berg*, 140 F.3d 1428, 46 USPQ2d 1226 (Fed. Cir. 1998); *In re Goodman*, 11 F.3d 1046, 29 USPQ2d 2010 (Fed. Cir. 1993); *In re Longi*, 759 F.2d 887, 225 USPQ 645 (Fed. Cir. 1985); *In re Van Ornum*, 686 F.2d 937, 214 USPQ 761 (CCPA 1982); *In re Vogel*, 422 F.2d 438, 164 USPQ 619 (CCPA 1970); and *In re Thorington*, 418 F.2d 528, 163 USPQ 644 (CCPA 1969).

A timely filed terminal disclaimer in compliance with 37 CFR 1.321(c) or 1.321(d) may be used to overcome an actual or provisional rejection based on a nonstatutory double patenting ground provided the conflicting application or patent either is shown to be commonly owned with this application, or claims an invention made as a result of activities undertaken within the scope of a joint research agreement.

Effective January 1, 1994, a registered attorney or agent of record may sign a terminal disclaimer. A terminal disclaimer signed by the assignee must fully comply with 37 CFR 3.73(b).

Claims 1, 9, 17 and 25 are rejected on the ground of nonstatutory obviousness-type double patenting as being unpatentable over claims 1, 11, 15, 16, 17 of U.S.

Patent No. 7,054,325 B1. Although the conflicting claims are not identical, they are not patentably distinct from each other because the subject matters in the Application and the patent refers to establishing a correlation between contents of signaling messages conforming to different protocols using a monitor equipment to monitor messages traversing at least first and second signaling channels conforming to respective first and second protocols; and using a correlator configured to establish correlation

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between first and second channel identifications. Even though the Patent does not disclose the monitor equipment is remote from and coupled to the first and the second communication protocols, but one skilled in the art can locate the monitor having a correlator remote from or within either the first network and the second network to detect correlation data identifying call portions associated with different protocols. Further, the first channel ID and the second channel ID in the Patent can be well understood by one skilled in the art as the first call portion associated with the first protocol and the second call portion associated with the second protocol.

### ***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act of 1999 (AIPA) and the Intellectual Property and High Technology Technical Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting directly or indirectly from an international application filed before November 29, 2000. Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

Claims 1-25 are rejected under 35 USC 102(e) as being anticipated by Parham et al. ( US Pat. 6,839,342 B1).

In claims 1, 9, 17 and 25, It is noted that Examiner assumes the “components” as “information” identifying /relating to the first protocol and the second protocol.

Parham et al. discloses a system for remotely correlating and displaying dissimilar communication protocol identifiers in real time, comprising: user communication information carried on a network, where the user communication information is characterized by at least two dissimilar communication protocols ( see fig.2, col.3, lines 20-20-40 and lines 64 to col.4, line 5; voice signals transmission in telecommunication network 20; the voice signals are carried from PSTN /TDM12 via IP network 30); a first communication protocol associated with a first communication network (see fig.2; PSTN/TDM 12); a second communication protocol associated with a second communication network ( see fig.2, IP network 30); and

An analysis device remote from and coupled to the first communication network and the second communication network( see fig.2;col.3; lines 64-67; gateway 15 coupled between IP network 30 and PSTN/TDM 12), the analysis device having a correlation and display element (not described in the specification) configured to passively detect correlation data identifying a first call portion associated with the first communication protocol (see col.3, lines 27-32; gateway 18 receives voice signal carried over PSTN 12) and configured to detect correlation data identifying a second call portion associated with the second communication protocol ( see fig.2, col.3, line 64 to col.4, line 5; gateway 18 receives RTP packets from IP network 30), where the

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correlation data comprises information identifying the first communication protocol (see fig.2, col.3, lines 32-40; the voice signals is transmitted with signaling information SS7 from SS7 network 24) and the second communication protocol ( see col.3, line 64 to col.4, line 5; receiving voice RTP packets and signaling information from IAD 20 via IP network 30), and wherein the correlation data is detected in real time (see col.3, lines 28-32; and line 64 to col.4, line 5; the voice signals is converted to RTP packets during transmission between PSTN 12 and IP network 30).

In claims 2, 10 and 18, Parham et al. discloses the correlation data allows the first call portion (voice from PSTN 12) call and the second call portion ( RTP packets from IP network 30) to be displayed to a user in real-time in a call flow record ( see col.3, lines 28-32 and fig.2; converted in real-time).

In claims 3, 11 and 19, Parham et al. discloses the correlation data relates to a signaling protocol ( SS7 signalling) associated with the first communication protocol ( PSTN 12) and the second communication protocol ( IP network 30). See fig.2 and col.2, lines 47-55.

In claims 4,12 and 20, Parham et al. discloses the correlation data is supplied to an analysis device ( gateway 18) that is coupled to the communication network ( communication network 20 in fig.2), and wherein the correlation data is supplied by a customer provided communication device ( from customer premises 22 as shown in fig.2). See col.3, lines 20-30.

In claims 5, 13 and 21, Parham et al. discloses the correlation data comprises information relating to multiple telephone calls that span the dissimilar communication

protocols ( see fig.2, voice traffic transmissions between customer premises 22 via IP network 30, PSTN 12). See col.3, lines 20-42.

In claims 6, 14 and 22, Parham et al. discloses the correlation data identifies dissimilar signaling protocols ( See col.2, lines 30-50, SS7 signalling and MGCP) , and wherein a first signaling protocol complies with SS7 ISUP (the SS7 signalling is associated with TDM 12).

In claims 7, 15 and 23, Parham et al. discloses the correlation data identifies dissimilar signaling protocols related to a telephone call, and wherein the second communication protocol complies with media gateway control protocol (MGCP) ( see col.2, lines 38-47; at gateway 18, media gateway in a form of MGCP is received and processed to provide signaling information).

In claims 8, 16 and 24, Parham et al. discloses the customer provided communication device is a switch ( class5 softswitch 26 as shown in fig.2), and wherein the second communication protocol is a non-standard communication protocol ( IP network 30 shown in fig.2).

### ***Conclusion***

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within



TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hanh Nguyen whose telephone number is 571 272 3092. The examiner can normally be reached on Monday-Thursday from 8:30 to 4:30. The examiner can also be reached on alternate

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lynn Feild, can be reached on 571 272 2092. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

/Hanh Nguyen/

Primary Examiner, Art Unit 2616

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